

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-cv-477-bbc

ESTATE OF MARVIN R. MARTY
(DECEASED), ESTATE OF IDA SOPHIE
MARTY (DECEASED), UNKNOWN
HEIRS AND DEVISEES OF MARVIN R.
MARTY, UNKNOWN HEIRS AND
DEVISEES OF IDA SOPHIE MARTY,
UNKNOWN OWNERS AND NON-
RECORD CLAIMANTS,

Defendants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned matter having come before the Court to be heard, Honorable Barbara B. Crabb, United States District Judge for the Western District of Wisconsin, presiding without a jury, on December 16, 2015, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendants herein except as may be noted on the record; and it appearing by the Declaration of Barbara L. Oswald, Assistant United States Attorney, Office of the United States Attorney, on file herein, that Defendants are in default; and it further appearing that due notice of the Application for Judgment by Default has been

made to the Defendants, and that a Certificate of Service was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having heard arguments from Plaintiff's counsel, therefore makes and files the following Findings of Fact and Conclusions of Law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in Plaintiff's complaint are proven true.
2. There is now due and unpaid on the Note and Mortgage as of December 16, 2015, the following sums: See Attachment A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Note and Mortgage.
4. The mortgaged premises are described as follows:

Lot Two (2), Block Four (4) and The East Half of Vacated Alley Lying West of Said Lot Two (2) of the Original Plat Village of Monticello, Green County, Wisconsin.

Tax Parcel # 23-151-0011.0000
5. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.
6. Notice of the pendency of this action was duly given on August 5, 2015, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Green County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

7. The Defendants have not served an Answer or other response and the Clerk of Court has duly entered the default of the Defendants.

CONCLUSIONS OF LAW

1. Plaintiff is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above Findings of Fact.

2. Plaintiff is entitled to recover from the Defendants the following sum: See Attachment A.

3. The Defendants subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

4. The mortgaged premises shall be sold as a whole.

5. That if necessary to secure possession of the premises, the Clerk of Court, upon application by Plaintiff, shall issue a Writ of Assistance.

6. The Defendants shall not be granted a right of redemption.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in The Monroe Times, the newspaper published in the City of Monroe, Green County, Wisconsin.

8. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.

9. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

10. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 18th day of December, 2015.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB

United States District Judge

United States v. Estate of Marvin R. Marty, et al.

Case No. 15-cv-477-bbc

ATTACHMENT A

Notes and Mortgages

a.	Principal as of December 16, 2015	\$ 69,641.93
b.	Interest as of December 16, 2015	\$ 61,645.33
c.	Service Fee as of December 16, 2015	\$ 7,110.00
d.	MIP as of December 16, 2015	\$ <u>10,037.90</u>
	Total as of December 16, 2015	<u>\$148,435.16</u>

Costs and Disbursements

e.	Register of Deeds Fees	\$ 120.00
f.	Title Search	\$ 75.00
g.	Probate Court Fees	\$ 20.00
h.	State of Wisconsin - Vital Records	\$ 40.00
i.	Publication for Service	\$ 195.00
j.	Special Administrator Fee	\$ <u>600.00</u>
	Total Costs & Disbursements	<u>\$ 1,050.00</u>

TOTAL AS OF DECEMBER 16, 2015 **\$149,485.16**